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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,034 26345	02/21/2002 7590 09/05/2003	Philippe R. Murcia	RFI-3.2.004/4263	1669
•	GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE		EXAMINER	
I RIVERFRO NEWARK, N	NT PLAZA J 07102-5497	7	LONEY, DONALD J	
			ART UNIT	PAPER NUMBER
			1772	
		·	DATE MAILED: 09/05/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	<del>- 4</del>
3	10 ( 08) 63-1	1 11 11 11	1121
Office Action Summary	Examiner	Group A	
	O. Lones	•	,2V
The MAILING DATE f this communication app	pears on the cover sheet	t beneath the correspond	lence address-
Period for Reply		·	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SE OF THIS COMMUNICATION.	T TO EXPIRE 3	MONTH(S) FROM T	HE MAILING DATE
<ul> <li>Extensions of time may be available under the provisions of 37 Cl from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days,</li> <li>If NO period for reply is specified above, such period shall, by definition to reply within the set or extended period for reply will, by an extended period for reply will be a considered.</li> </ul>	, a reply within the statutory min fault, expire SIX (6) MONTHS fr	nimum of thirty (30) days will be from the mailing date of this corr	considered timely
Status			
Responsive to communication(s) filed on	06/66/03	·	
☐ This action is <b>FINAL</b> .	. ,		
☐ Since this application is in condition for allowance exc accordance with the practice under <i>Ex parte Quayle</i> ,	ept for formal matters, <b>prc</b> 1935 C.D. 1 1; 453 O.G. 2	osecution as to the merit	s is closed in
Disposition of Claims			
		is/are pending in	the annication
Of the above claim(s) 1 - 2 4		is/are withdrawn	from consideration.
□ Claim(s)		is/are allowed.	
e. ·		is/are rejected.	
□ Claim(s)		is/are objected to	
		are subject to res	striction or election
Application Papers	•	requirement.	
$\square$ See the attached Notice of Draftsperson's Patent Drav	wing Review, PTO-948.		
☐ The proposed drawing correction, filed on		☐ disapproved.	•
☐ The drawing(s) filed on is/are ob	jected to by the Examiner.	•	
☐ The specification is objected to by the Examiner.			
☐ The oath or declaration is objected to by the Examine	r.		
Priority under 35 U.S.C. § 119 (a)-(d)			
☐ Acknowledgment is made of a claim for foreign priority ☐ All ☐ Some* ☐ None of the CERTIFIED copies			
<ul> <li>□ received.</li> <li>□ received in Application No. (Series Code/Serial Nur</li> <li>□ received in this national stage application from the I</li> </ul>	,		
*Certified copies not received:			
Attachment(s)		•	•
Attachment(s)		2 070	
The set of the best of the boundary of the AAAA Dame	ir No(e)	Int rview Summary, P10-	413
☐ Information Disclosure Statement(s), PTO-1449, Pape			
☐ Information Disclosure Statement(s), PTO-1449, Pape  Notice of Reference(s) Cited, PTO-892  ☐ Notice of Draftsperson's Patent Drawing Review, PTO-		Notice of Informal Patent A	

U. S. Patent and Trademark Office PTO-326 (Rev. 9-97)

Part of Paper No.

Application/Control Number: 10/081,034

**Art Unit: 1772** 

- 1. Applicant's election with traverse of Group III in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the inventions are essentially categorized under the same class 156. However, the product is in class 428 and the process and apparatus have different classification and search in class 156. The applicant also argues the new versus recycled materials. The examiner has shown one way distinction between the Groups when it appears the applicant is arguing two way abstention by arguing new materials would not product the product of Group III. The apparatus Group can work on any type of materials and is not limited thereby (see M.P.E.P section 2115). The requirement is still deemed proper and is therefore made FINAL.
- 2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public
  use or on sale in this country, more than one year prior to the date of application for patent in the United
  States.
- 4. Claims 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobidas.

Gobidas discloses a multilayer structure that contains a core of recycled plastic (44) with wood veneer layers 18 on both sides thereof. Refer to Fig. No. 1 along with column 2, lines 2-7, 53-56.

5. Claims 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Zvi et al.

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Zvi et al discloses recycled plastic layer(s) sandwiched between wood veneer layers. Refer to Fig. No. 2 along with column 2, lines 53-66 and column 4, lines 9-42.

6. Claims 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Funger et al.

Funger et al discloses recycled plastic (i.e., carpets) layers (14) sandwiched between wood veneer layers (21'). Refer to Fig. Nos. 7 and 8 along with column 2, lines 5-18, column 4, lines 15-33, column 5, lines 22-41, column 6, lines 53-64, column 8, lines 4-7, 23-27, column 9, lines 3-14 and column 10, lines 19-29.

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of Gobidas, Zvi et al or Funger et al in view of Sing.

The primary references teach the invention substantially as recited except for the chemical treatment applied thereto.

Sing teaches to chemically treat a laminated board with conventional fire, moisture and insect decay agents. Refer to column 3, lines 40-45.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to chemically treat the board, as taught by Sing, in order to provide resistance to fire, moisture and insect decay as is known in the art.

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9. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Gobidas, Zvi et al or Funger et al in view of Norman.

The primary references teach the invention substantially as recited except for the core having air channels which can be formed from the straw limitation of claim 30 and the core being shorter than the wood veneer.

Norman discloses a tubular core 9 (i.e., straws for claim 30 and/or air space for drain 29) sandwiched between face sheets. Fig No. 1 also shows the core being shorter than the tubes so that a cap layer (8) can be applied thereto. Refer to Fig. Nos. 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the inventions were made to the primary references to form the core of tubes (i.e., straws), as taught by Norman, since the tubular construction is known for the core and would provide air channels therein and/or require less material therefore. The core is shown as being shorter than the face sheets so that a cap layer can be applied to the ends of the panel, or the face sheet could be bent there over to cover the ends of the board.

10. Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.

DONALD J. LONEY
PRIMARY EXAMINER

D. Loney/mn August 27, 2003